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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/816,816 Confirmation No. 2605  
Applicant : HONDA, M. et al.  
Filed : April 5, 2004  
Title : JOB NETWORK CONFIGURATION FILE CREATING  
DEVICE AND CREATING METHOD  
TC/AU : 2183  
Examiner : TBD  
Docket No. : MEI-103  
Customer No.: 24956

**PETITION TO MAKE SPECIAL**  
**UNDER 37 CFR §1.102(d) (MPEP §708.02(VIII))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicants petition the Commissioner to make the above-identified application special in accordance with 37 CFR §1.102(d). In support of this Petition, pursuant to MPEP § 708.02(VIII), Applicants state the following.

**(A) REQUIRED FEE**

This Petition is accompanied by the fee set forth in 37 CFR § 1.117(h).

Payment of the fee has been made in the manner set forth below in section (F).

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**(B) ALL CLAIMS ARE DIRECTED TO A SINGLE INVENTION**

Claims 1-20 are pending in the application. All the pending claims of the application are directed to a single invention. If the Office determines that all claims in the application are not directed to a single invention, Applicant will make election without traverse as a prerequisite to the grant of special status in conformity with established telephone restriction practice.

The claimed invention, as set forth in independent claims 1, 6, 11 and 16, is generally directed to a technology for automatically creating a job network configuration file. Under independent claim 1, the invention is a device for creating a job network configuration file that prescribes an execution procedure of a job in an information processing apparatus, the device comprising: a template input unit configured to receive a template file including an undefined variable, the template file being prepared in connection with the job network configuration file; a definition file input unit configured to receive a definition file that establishes an association between the variable used in the template file and setting data that is input by an user in connection with a setting of the job network configuration file; a setting data input unit configured to receive input of the setting data from the user; and a creation processing unit configured to create the job network configuration file in accordance with the definition file and the template file based on the setting data.

Additionally, under independent claim 6, the invention is a method of supporting creation of a job network configuration file with the aid of a computer, the job network configuration file prescribing an execution procedure of a job in an

information processing apparatus, the method comprising the steps of: (a) receiving a template file including an undefined variable, the template file being prepared in connection with the job network configuration file; (b) receiving a definition file that establishes an association between the variable used in the template file and setting data that is input by a user in connection with a setting of the job network configuration file; (c) receiving input of the setting data from the user; and (d) creating the job network configuration file in accordance with the definition file and the template file based on the setting data.

Furthermore, under independent claim 11, the invention is a computer program, stored on a computer readable medium, for creating a job network configuration file that prescribes an execution procedure of a job in an information processing apparatus, the computer program comprising: a first code that receives a template file including an undefined variable, the template file being prepared in connection with the job network configuration file; a second code that receives definition file that establishes an association between the variable used in the template file and setting data that is input by an user in connection with a setting of the job network configuration file; a third code that receives input of the setting data from the user; and a fourth code that creates the job network configuration file in accordance with the definition file and the template file based on the setting data.

Finally, under independent claim 16, the invention is a device for creating a job network configuration file that prescribes an execution procedure of a job in an information processing apparatus, the device comprising: a template file storage unit

configured to store a template file including an undefined variable, the template file being prepared in connection with the job network configuration file; a variable definition file storage unit configured to store a variable definition file that establishes an association between the variable used in the template file and setting data that is input by an user in connection with a setting of the job network configuration file; and a job network creation unit configured to receive input of the setting data from the user and create the job network configuration file by fixing a value of the variable contained in the template file based on the setting data and setting the fixed value of the variable in the template file.

#### **(C) PRE-EXAMINATION SEARCH**

A careful and thorough pre-examination search has been conducted, directed to the invention as claimed. The pre-examination search was conducted in the following US Manual of Classification areas:

<u><b>Class</b></u>	<u><b>Subclass</b></u>
707	200-205
709	213, 223-225
711	111-114, 117, 118, 147, 161, 162, 170
714	5-7, 20, 37-38, 47-48
718	100-106

Furthermore, a keyword search was conducted on the USPTO's EAST database, including the US patent database, the published patent applications database, and the European and Japanese patent abstract databases. In addition, a search for non-patent literature was conducted on the ACM (Association for Computing Machinery) online databases.

**(D) REFERENCES DEEMED MOST-CLOSELY RELATED TO THE SUBJECT MATTER ENCOMPASSED BY THE CLAIMS**

Based upon a review of the documents located by the search and the documents already of record in the application, the references deemed to be most-closely related to the subject matter encompassed by the claims are listed below. These documents were made of record in the present application by the Information Disclosure Statements filed April 28, 2005, and April 5, 2004.

<u>Document No.</u>	<u>Inventor</u>
US 4918595	Kahn et al.
US 5321835	Tanaka et al.
US 5606689	Nakagawa
US 20030229653	Nakanishi et al.
US 20040223176	Ueda
US 20050027714	Kline
JP 2001-166928	Shimizu

Because all of the above-listed documents are already of record in the present application, in accordance with MPEP § 708.02(VIII)(D), additional copies of these documents have not been submitted with this Petition.

**(E) DETAILED DISCUSSION OF THE REFERENCES**

The references deemed most-closely related are discussed below in section (E)2, pointing out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the teachings of these documents.

## **1. Discussion of the Invention**

Under the invention, a technology is provided for readily creating a job network configuration file even by someone who does not possess detailed knowledge regarding such a file. The job network configuration file may be created based upon a definition file and a template file based on setting data input from a user.

Accordingly, it is submitted that the present invention is patentable over the cited references because, as set forth in independent claims 1, 6 and 11, a first feature of the invention includes that a template file including an undefined variable is prepared in connection with a job configuration file, and a definition file establishes an association between the variable and setting data input by a user, such that the job network configuration file is created in accordance with the definition file and the template file based on the setting data.

Similarly, as recited in independent claim 16, a second feature of the invention provides for a template file including an undefined variable, the template file being prepared in connection with a job network configuration file, a variable definition file that establishes an association between the variable used in the template file and setting data that is input by an user, and creating the job network configuration file by fixing a value of the variable contained in the template file based on the setting data and setting the fixed value of the variable in the template file.

As will be discussed in more detail below, the prior art does not teach or suggest the above-described features.

## **2. Discussion of the References Deemed to be Most-Closely Related**

The patent to Kahn et al., US 4918595, discloses a method and system for eliminating the bottleneck created in a large interactive computer system environment when jobs are submitted to a component of an operating system faster than the component can receive them. An improved internal reader function is disclosed in which all internal reader jobs are dynamically created, scheduled, and cancelled. A subsystem of the computer system operating system continuously and optimally handles the workload by automatically creating new internal reader jobs or assigning work to previously automatically created internal reader jobs which have completed processing and are waiting for additional work. To handle this dynamic processing, a control block structure is created to keep track of the internal reader jobs. The subsystem also eliminates bottlenecks since all data sets to be processed are transferred directly to an internal reader job data set control block. Therefore, once dispatched, the internal reader job uses its own job data set control block to locate the data set to be processed. (See, e.g., Abstract and column 10, lines 18-38.) However, unlike the present invention, Kahn et al. do not disclose a template file for a job network configuration file including an undefined variable, or a definition file that establishes an association between the variable and setting data input by a user. More particularly, Khan et al do not teach that a job network configuration file is created in accordance with a definition file and a template file based on setting data, as set forth in claims 1, 6, and 11. Nor do Khan et al. teach that a job network

configuration file is created by fixing a value of a variable contained in a template file based on setting data, and setting the fixed value of the variable in the template file, as set forth in claim 16.

The patent to Tanaka et al., US 5321835, discloses a system and method for controlling the execution of jobs for executing a plurality of jobs or job steps. The method of execution of a series of jobs includes the steps of executing the series of jobs sequentially, and determining jobs to be rerun in the series of jobs as rerun jobs in accordance with the file access information when one of the series of jobs is terminated abnormally. The file access information indicates access to each of the files by each of the jobs, and reruns the rerun jobs. When the rerun jobs are determined, the necessity of access to each of the files by each of the rerun jobs is determined in accordance with the file access information, and access to the files by each of the rerun jobs is selectively skipped in accordance with the result of determining the necessity of the access. When the series of jobs are executed, the files are allocated to an allocatable storage device in accordance with the file access information so that the jobs to be rerun become minimal. (See, e.g., Abstract and column 1, line 67, through column 2, line 69.) However, unlike the present invention, Tanaka et al. do not disclose a template file including an undefined variable for a job network configuration file, or a definition file that establishes an association between the variable and setting data input by a user. Thus, Tanaka et al. do not teach that a job network configuration file is created in accordance with a definition file and a



template file based on setting data, as set forth in claims 1, 6, and 11. Nor do Tanaka et al. teach creating a job network configuration file by fixing a value of a variable contained in a template file based on setting data, and setting the fixed value of the variable in the template file, as set forth in claim 16.

The patent to Nakagawa, US 5606689, discloses a data processing apparatus in which correct storage units can be allocated to jobs of an operation when the storage volumes are previously reserved for respective operations, and storage management can be efficiently performed for each operation. A data processing apparatus includes an external storage apparatus composed of a plurality of storage units which are previously classified into a plurality of storage unit groups, and each of the storage unit groups is previously reserved for job groups corresponding to normal operations. A storage reservation rule storing portion stores storage reservation rules. A storage reservation executing portion selects one of the storage groups corresponding to a name of a normal operation which is input with a file request of the job, and allocates one or more storage units included in the selected storage group. The storage reservation rules are stored within the apparatus, and the storage unit selection is automatically performed in response to the name of a normal operation input by a user. (See, e.g., Abstract and column 3, line 39, through column 4, line 42.) However, unlike the present invention, Nakagawa does not disclose a template file including an undefined variable for a job network configuration file. More particularly, Nakagawa does not teach that a job network

configuration file is created in accordance with a definition file and a template file based on setting data, as set forth in claims 1, 6, and 11. Nor does Nakagawa teach creating a job network configuration file by fixing a value of a variable contained in a template file based on setting data, and setting the fixed value of the variable in the template file, as set forth in claim 16.

The published patent application to Nakanishi et al., US 20030229653, discloses a system and method for data backup or restore which are capable of efficiently backing up data in a distributed processing environment. The data backup method identifies a file utilized in a service which is intended for a backup, and a storage device which stores this file, and determines a schedule for backing up the identified file from the service schedule information. The management server comprises a job schedule unit, a backup definition creating unit, a restore definition creating unit, a data management unit, and a backup management unit. The job schedule unit manages a schedule for executing jobs which make up a service, and instructs each of the work servers to execute jobs based on the schedule. The backup definition creating unit defines a schedule for performing backup operations from file information associated with the execution of a service and a service execution time, such that the backup operations will not fall within a time zone in which the service is executed. The restore definition creating unit acquires file information associated with a service, for which a backup operation has been performed, from a management database to define a schedule for restore

operations. The data management unit registers and manages file information acquired from the job schedule unit, the service execution time, and the backup and restore scheduling information defined by the backup definition creating unit and restore definition creating unit, respectively. The backup management unit, which is implemented in software for executing a backup operation, instructs each of the work servers to execute a backup and a restore operation, respectively, based on the definitions created by the backup definition creating unit and restore definition creating unit. (See, e.g., Abstract and paragraphs 31 and 39, and Figures 3 and 4.) However, unlike the present invention, Nakanishi et al. do not disclose a template file including an undefined variable for a job network configuration file, or a definition file that establishes an association between the variable and setting data input by a user. More particularly, Nakanishi et al. do not teach that a job network configuration file is created in accordance with a definition file and a template file based on setting data, as set forth in claims 1, 6, and 11. Nor do Nakanishi et al. teach creating a job network configuration file by fixing a value of a variable contained in a template file based on setting data, and setting the fixed value of the variable in the template file, as set forth in claim 16.

The published patent application to Ueda, US 20040223176, discloses a job control device which is provided with a control configuration file reading part for reading a control configuration file. Jobs are submitted to a job submit system based on the descriptive content of the control configuration file read in by the control

configuration file reading part. The invention also relates to such a control configuration file, a job control method and a job control program, which have been developed in particular for the purpose of reducing the time and effort of user's management when a batch of jobs are submitted. The device also includes: a job designation description reading part that reads a job designation description that is described in the configuration file and which is able to arbitrarily designate jobs; a processing execution part that performs prescribed processing to submit the jobs designated by the job designation description read by the job designation description reading part; and a job management part that manages the states of the jobs designated by the job designation description read by the job designation description reading part. (See, e.g., Abstract and paragraphs 27-38 and 171-178.) However, unlike the present invention, Ueda does not disclose a template file including an undefined variable for a job network configuration file, or a definition file that establishes an association between the variable and setting data input by a user. Thus, Ueda does not teach that a job network configuration file is created in accordance with a definition file and a template file based on setting data, as set forth in claims 1, 6, and 11. Nor does Ueda teach creating a job network configuration file by fixing a value of a variable contained in a template file based on setting data, and setting the fixed value of the variable in the template file, as set forth in claim 16.

The published patent application to Kline, US 20050027714, discloses a method and system for dealing with scheduling and execution of jobs which change programs or other software components within a computer system. At one location, such as a server where the change is to be made, a user schedules execution or installation of the change. The change is implemented by a change program, and the syntax of the change program is checked at a time that the user schedules execution or installation of the change. Subsequently, a program automatically attempts to execute or install the change as scheduled. Then, the tool automatically conducts a search for a key phrase or code associated with the attempt to execute or install the change to determine if the change was successful or unsuccessful. The key phrase or code may be stored in a log associated with the application, operating system, data base or other software component. Subsequently, the tool sends a notification of success or lack of success to another location, such as a pager or e-mail address of the user. Thus, the user does not have to be physically present at the server when the change is implemented, but will be notified whether there is a problem. (See, e.g., Abstract and paragraphs 7-9 and 23-26.) However, unlike the present invention, Kline does not disclose a template file including an undefined variable for a job network configuration file, or a definition file that establishes an association between the variable and setting data input by a user. More particularly, Kline does not teach that a job network configuration file is created in accordance with a definition file and a template file based on setting data, as set forth in claims 1, 6, and 11. Nor does Kline teach creating a job network configuration file by fixing a

value of a variable contained in a template file based on setting data, and setting the fixed value of the variable in the template file, as set forth in claim 16.

The Japanese patent application to Shimizu, JP 2001-166928, shows a device for automatically reconfiguring a job network configuration file when a change of operation schedule, or the like, occurs. Design information that is inputted includes a system flow, a job flow, an identical job, a data item information definition, a record information definition, a file information definition and an operation schedule. Job items are arranged, and a system flow chart and a job flow chart are registered in a database for operating the unitary management of design information. The basic design information (e.g., data item information definition, record information definition, and file information definition) is registered in a database for operating the unitary management of the design information for generating a job step and a job control sentence. When the job flow, system flow, and the application schedule are to be corrected, the job network configuration file is reconfigured by extracting an application process and inputting an operation schedule. Thus, the matching between design information and the operation schedule is maintained and efficiency and reliability of the generation of the job network configuration file is improved. (See, Abstract and paragraphs 4, 5, 28, 30 and 31 of the English-language translation.) However, in Shimizu, the job network configuration file is generated automatically from the design information, which is the system flow, job flow, a data item information definition, a record information definition, a file

information definition, and an application schedule. Accordingly, Shimizu does not teach the use of a template file including an undefined variable prepared in connection with a job network configuration file, or a definition file that establishes an association between the variable and setting data input by a user. Thus, Shimizu does not teach that a job network configuration file is created in accordance with a definition file and a template file based on setting data, as set forth in claims 1, 6, and 11. Nor does Shimizu teach creating a job network configuration file by fixing a value of a variable contained in a template file based on setting data and setting the fixed value of the variable in the template file, as set forth in claim 16.

**(F) CONCLUSION**

From the above discussion, it is apparent that none of the art of record shows or suggests the present invention, including creating a job network configuration file whereby a template file including an undefined variable is prepared in connection with a job configuration file, and a definition file establishes an association between the variable and setting data from a user, such that the job network configuration file is created in accordance with the definition file and the template file based on the setting data, in combination with the other limitations set forth in claims 1, 6 and 11.

Further, the art of record does not teach creating a job network configuration file, whereby a template file including an undefined variable is prepared in connection with a job network configuration file, and a variable definition file establishes an association between the variable used in the template file and setting data that is input by an user, so that the job network configuration file is created by fixing a value

of the variable contained in the template file based on the setting data and setting the fixed value of the variable in the template file, in combination with the other limitations set forth in claim 16. Accordingly, claims 1, 6, 11 and 16 are patentable over the cited references.

The Applicants submit that the foregoing discussion demonstrates the patentability of the independent claims over the closest-known prior art, taken either singly, or in combination. The remaining claims depend from the independent claims, claim additional features of the invention, and are patentable at least because they depend from allowable base claims. Accordingly, the requirements of 37 CFR §1.102(d) having been satisfied, the Applicants request that this Petition to Make Special be granted and that the application be examined according to prescribed procedures set forth in MPEP §708.02 (VIII).

The Applicants prepared this Petition in order to satisfy the requirements of 37 C.F.R. §1.102(d) and MPEP §708.02 (VIII). The pre-examination search required by these sections was "directed to the invention as claimed in the application for which special status is requested." MPEP §708.02 (VIII). The search performed in support of this Petition is believed to be in full compliance with the requirements of MPEP §708.02 (VIII); however, Applicants make no representation that the search covered every conceivable search area that might contain relevant prior art. It is always possible that prior art of greater relevance to the claims may exist. The Applicants urge the Examiner to conduct his or her own complete search of the prior art, and to



thoroughly examine this application in view of the prior art cited above and any other prior art that may be located by the Examiner's independent search.

Further, while the Applicants have identified and discussed certain portions of each cited reference in order to satisfy the requirement for a "detailed discussion of the references, which discussion points out, with the particularly required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references" (MPEP §708.02(VIII)), the Examiner should not limit review of these documents to the identified portions, but rather is urged to review and consider the entirety of each reference.

**(G) FEE PAYMENT (37 C.F.R. 1.17(i))**

The fee required by 37 C.F.R. § 1.17(i) is to be paid by:

☒ the Credit Card Payment Form (attached) for \$130.00.

☐ charging Account 50-1417 the sum of \$130.00.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417. A duplicate of this petition is attached.

Respectfully submitted,

  
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